IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.92 OF 2007
IN
CRIMINAL REVISION APPLICATION NO.162 OF 2006

1.Ramkrishna Janardhan Gosavi,
2.Anil Janardhan Gosavi,
3.Shankar Janardhan Gosavi, &
4.Sou.Parvatibai Shankar Gosavi. ...Applicants.
(Orig.Accused)

Versus

1.Shri.Suresh Janardhan Gosavi, &
2.The State of Maharashtra. ...Respondents.

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Mr.U.R.Mankapure, Adv. for the Applicants.
Mr.Chaudhary Yuvraj, Adv. for Respondent No.2 - orig.complainant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 26th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants-orig.accused, the learned Advocate for respondent No.1-orig.complainant and the learned APP for the State.

2. In the proceedings relating to complaint filed by respondent No.1-orig.complainant, by judgment and order dated 20th April, 2005 passed

in R.C.C.No.46 of 2002 the JMFC, Sangola convicted applicant Nos.2 & 3 under Section 435 of IPC and sentenced them to suffer RI for six months and fine of Rs.1000/-, in default to suffer SI for one month. However, the learned JMFC, Sangola acquitted Applicant Nos.1 & 4.

3. Being aggrieved by the acquittal of applicant Nos.1 & 4, this Revision being Criminal Revision Application No.162 of 2006 has been filed by the orig.complainant in respect of acquittal of these two accused persons before this Court. The State also filed application for leave to appeal against acquittal in respect of these two applicants being Criminal Application No.4791 of 2005. The said application came to be dismissed. However, the present Revision Application preferred by the orig.complainant is still pending.

4. The applicant Nos.2 & 3 have preferred Appeal No.11 of 2005 before the learned Sessions Judge, Pandharpur challenging the order of conviction passed by the learned Magistrate in R.C.C.No.46 of 2002. It is stated that the

orig.complainant is taking adjournments in the said matter on the ground that Revision preferred by him against the acquittal of other two accused is pending before this Court and on account of the adjournments sought by the complainant, the Sessions Court is now not proceeding with the said Appeal. Hence, the applicants are seeking directions that the Appeal preferred by applicant Nos.2 & 3 being Criminal Appeal No.11 of 2005 may be disposed of by the learned Sessions Judge expeditiously.

5. The appeal preferred by applicant Nos.2 & 3 cannot be kept pending indefinitely till the disposal of Revision preferred by the complainant in this Court. In this view of the matter, the learned Sessions Judge to dispose of the said Appeal without waiting for the result of the Revision preferred by the complainant before this Court. The said Criminal Appeal No.11 of 2005 to be disposed of on its own merits as expeditiously as possible.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)